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# L I M I T A T I O N S

For the Next

## Foreign Successor,

O R

## New SAXON Race.

Debated in a Conference betwixt two  
Gentlemen.

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*Sent in a Letter to a Member of Parliament.*

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Auctoritate suadendi magis quam jubendi Potestate.  
*Tacitus de moribus Germanorum.*

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L O N D O N,

Printed in the Year 1701.

0091-1945-5  
LIMITATIONS

of the

German Empire

in 1914

New SAXON REICH

Appeared in a Conference paper from the  
Gesellschaft

Society for History of a Member of Parliament

and the Ministry of Finance of the German Empire  
from the year 1914

X 0 K 0 X

Printed in this Year 1901

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## *Considerations about the Succession, &c.*

S I R,

I HAVE discours'd our Friend about the *Succession*, and find his Opinion to be as follows.

That tho' it might be objected against as neither safe nor prudent to offer any thing that looks like a change in a Government already settled and in being; It cannot justly fall under that censure to offer advice in one that's to come, and depends intirely upon the Goodwill of the People.

I objected, that I conceiv'd he mistook the Case; for with us the Government could never die, the Monarchy was still in being, tho' the Throne might be Vacant. He answer'd, that the distinction was frivolous, a Monarch and a Monarchy suppose one another: when the Throne is vacant, the Government is in a sort of Widowhood, and may make Terms before another Husband be accepted. He advis'd me therefore to lay aside all those trifling Objections, and to come close to the point.

I told him then that since, there was a possibility of a failure in the Line of Succession, and that we must come to a New Choice, I should be glad to hear his Opinion.

He answer'd, that the Concern was great and momentous, and indeed fit only for the thoughts of the United Wisdom of the Nation: but since I importun'd him, he would tell me his mind freely; and that we might proceed methodically, he would reduce the Considerations we were

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to

3, Oct. 182

to go upon, to the Terms and the Person.

I told him, the Protestant Line was already fix'd upon ; and tho the Person was not nam'd, yet to insist much upon Terms afterwards, would perhaps be look'd upon as something harsh, considering we had laid the Groundwork of our Constitution in the Claim of Right, and that we were scarcely to expect better Conditions.

He replied, that I my self had suggested in my Objecti-on the best Answer that could be giv'n to it : for, says he, you own there were Conditions made with the Prince and Princess of *Orange* before they were declar'd King and Queen. You know what the Prince had merited at our hands before those Conditions were propos'd ; and that the Late King having abdicated, or rather being depos'd, the Princess according to the Law of Succession had the next undoubted Title. From all which it will plainly re-sult, that if we made Terms with them who had both Mer-it, and an Antecedent Title to the Crown, we may very well be allow'd to demand a further Security for our Reli-gion, Liberty and Property, from those that have no other Claim to our Crown but what must be originally owing to our own Goodwill. This places the Merit in us, whereas the Prince and Princess of *Orange* ( to set all other Titles a-side ) had merited at our hands what we conferr'd upon them.

I answer'd, that he had very judiciously distinguished betwixt the Case at the Revolution, and the Case as it will probably fall out, upon the failure of the present Line of Succession ; but had not yet convinc'd me that we could have better Conditions from any future Successor than what were granted us by his present Majesty in the Claim of Right.

He told me, that the words *Better* and *Worse* were not proper to be us'd in this affair, lest they might be mista-ken,

ken, and charged with such Explanations as neither of us intended by them ; and therefore he thought the words *further Security* less exceptionable. This being agreed, he went on, and urg'd that a further Security was necessary, if it were but the renewing of the Claim of Right, *muntatis mutandis* ; but he was of Opinion, that a great deal more might justly be insisted on ; for, says he, you know that the Family next in the Protestant Line, are by Religion *Lutherans*.

Here I interrupted him, and said, But Sir, you know the Electress Dowager of *Hanover*, who is nearest in Line, is a *Calvinist*. To which he replied, I know it ; but it's scarcely supposable she should outlive the King or Princess ; or suppose she should, the Times don't look with such a serene Aspect as to make us fond of chusing a Woman, who has not a Prince of *Orange* or a Prince of *Denmark*, to fight her Battels : but admitting she had, her Sons are *Lutherans*, and you know very little of Men or Things, if you are ignorant of the bitterness, which those who call themselves by that Name have generally expressed against those of our Religion. We have smarted severely under Differences in matters of Religion already, and may come to be thrown into new Convulsions on that account, if ever we should have a Prince of a different Religion from that which is established in the Nation. Admit (says he) that a politick and ambitious *Lutheran* Prince succeeds to our Throne, and that he has a mind to make himself as Arbitrary in *England*, as most of the Princes are in *Germany* ; you cannot but know that he may readily fall upon a method to effect it : He has no more to do but to fall in with our bigotted Ceremonialists, as all our Kings of the *Scots* Race ever did ; and provided he give them leave to persecute others, they will advance his Prerogative as high as he pleases : and thus we return

to our old *Egyptian* Bondage. The *Lutherans*, you know, are rather for augmenting than diminishing Ceremonies in Worship; and since we have more already than can be well accounted for, it's but necessary, that we should come to Terms with the next Foreign Successor, that there may be no Innovation made in Religious matters. And this is one thing, says he, wherein a further Security is necessary. Pray, says I, oblige me with your Expedient in this Case. He replied, perhaps if you look further, you will find that our Royal Blood, has diffus'd it self into the Family of *Brandenburg*, who are of our own Religion; and tho they be more remote from the Line, yet since we have made several steps out of it already, we cannot be blam'd to take a step or two further, for our Security in so great a Point as that of Religion. But, continues he, if this be found impracticable, why may we not demand of the Family of *Hanover*, that which soever of them we think fit to confer our Crown upon, should be sent over hither to be educated in our own Religion, and acquainted with our Constitution? This they have no reason to think a hardship, if it be true what I have heard, that they formerly bred one of their Sons a *Papist*, that he might succeed to the Bishoprick of *Osnabrug*, which by the Treaty of *Westphalia* is to be alternatively in the Hands of a *Lutheran* and a *Papist*.

I replied, that the Elector himself was next in Succession, and 'tis probable would not let the Honour of being King of *England* fall upon any other during his Lifetime. He answer'd, Why might not we be allow'd to pitch upon any of his Sons for our Crown, as well as the *Spaniards* are allow'd to pitch upon the Duke of *Anjou*, exclusive of his Father and elder Brother? And, that seeing it was in our choice to pitch upon whom we would, it's not to be supposed the Elector of *Hanover* would controvert that

that point with us. My Friend went on with a long Discourse, and said, that it ought to be well weighed whether it be the Interest of *England* to have an Elector of the Empire for their Prince, and whether such of that Family as happens to be our King, should not be obliged for himself and the First of his Male Issue in all Generations to renounce his Dominions in *Germany*: For, says he, tho' it might probably be for the Honor of *England*, and perhaps for her Interest, to have her King an Elector of the Empire, because it would strengthen us by a considerable Foreign Alliance, and probably assure us of the Friendship of the Empire, yet we cannot be sure but an Elector being once King of *England*, might have his Ambition enlarged with his Dominions; and since every Elector has a Right to put up to be chosen King of the *Romans*, it is not impossible but an Elector of *Hanover* being at the same time King of *England*, might make use of our Power to set the Imperial Crown upon his own Head, and make it hereditary to his Posterity; which would at once deprive us of our King, and subject us to the Empire. Our Ancestors by the Statute of the 34th of *Edward 3.* provided against the like Danger from our Kings succeeding to the Throne of *France*, and therefore such Precautions may be allowed now as well as then.

The like, says he, is to be said as to the Prince Electoral of *Brandenburg*, who is also a Branch of our Royal Line; and besides (continued he) to make any of those Princes King of *England*, without obliging them at the same time to renounce their Foreign Dominions, will create a Jealousy in our Neighbours the *Dutch*, the Northern Crowns, and other Princes of lower *Germany*; for if our Crown should fall upon either of those Families, they will lie under a mighty Temptation to enlarge their Dominions beyond Sea, in order to make the Communication be-

twixt their Old and New Dominions more speedy and easy. This the Family of *Hanover* may attempt by falling down upon the *Elbe* and the *Weser*, and swallowing up *Hamburg*, *Bremen*, *Embden*, &c. and the House of *Brandenburg* might do the like, by falling down those Rivers and the *Rhine*. All these things, said he, how remote and chimerical soever they may seem at present, ought to be considered, and the like, that if at any time we come to struggle with those Princes for our Privileges, they will have an Opportunity of landing Men upon us from their Foreign Dominions, which may prove as fatal to our Liberty, as the *German* Invasion did formerly to our Ancestors. Thus, says he, you see that the Settlement of our Succession, if not duly weighed and attended with good Preliminaries, may both procure a League against us abroad, and increase Jealousies at home. This, said he with a mighty Emphasis, is the mischievous Consequence of matching our Princes with Foreign Familys; as if our own Women, who are so much admired by all other Nations, were not worthy of their Bed; and as if our *English* Nation were so much degenerated, that we have not a Man amongst our selves fit for Empire, but we must first go to *Scotland* in quest of a King, then to *Holland*, next to *Germany*, and at last God knows whither. But I beg your pardon, says he; whither will my passionate Concern for my Country carry me? I design no Reflection upon his present Majesty, he is the Son of an *English* Princess, was the Husband of another, and his Family the best that ever ours matched with. But when the present Line fails, where can we expect to find another Prince of *Orange*, a Prince of our own Religion, bred up in a limited Government; where he learned to obey as well as to command; a Prince of such Virtue that he refused of a Stadholder to be made King of his Country, that would not overturn their

their Antient Constitution, but offer'd to sacrifice his Life in defence of it? A Prince that could unite a mighty Protestant Nation with us in the Common defence of Religion and Liberty. To what Foreign Prince can we have recourse now, that is able or willing to do such things for us?

I pray'd my Friend to recover himself from his Transport, and to come close to the matter in hand, which was to consider what further Security must be insisted upon from the next Foreign Successor.

He answered, that to tell me his mind in a few words, he thought those Heads that were at first put into the Claim of Right, but by neglect ( or rather treachery ) left out of it by some that were intrusted, ought to be insisted on.

I ask'd him what those Heads were. He replied, that he could not recollect all of them, but he doubted not there were Copies of them to be had; or if not, there were not wanting Men of that Observation in *England* who know what is necessary for the further security of our Constitution; but that if I would have him to tell me his own thoughts of the Terms, they were these.

1. That instead of a Triennial Parliament, we should have one every Year, or at least that the Parliament meet once every Year.

2. That they be secur'd against Adjournments and Prorogations, whilst upon business of Publick Concernment.

3. That none having a dependance upon the Court, be capable of being Elected to sit in Parliament.

4. That no Nobleman be created but by consent of Parliament.

5. That the Advice of the Parliament be taken in appointing the Lord Chancellor, Treasurer, Admiral, or Commissioners for executing those Offices.

6. That a Committee of Parliament be appointed to sit  
con-

constantly during the Intervals of Parliament, to give advice in all arduous Affairs, superintend the Administration, and to make report to the Parliament at their next meeting.

7. That the Parliament be consulted in the naming of all Great Officers in the Church and Army, Militia and Navy.

8. That no Leagues nor Treatys either for Peace or War be made with Foreign Princes or States without consent of Parliament, or at least without consent of such a Committee as they shall appoint, which may sometimes be necessary upon the account of Secrecy or Dispatch; but the said Committee as well as the Privy and Cabinet Council to be always accountable to the Parliament for the Advice they give.

9. That the King have no Power to refuse the passing of such Acts as shall be offered him by both Houses, without giving his Reasons for such refusal, and naming those that give him such Advice, if it happen that he act so by the advice of others: and if his Reasons are not such as evidently prove, to the satisfaction of the Parliament, that it would be to the disadvantage of the Nation to have such Laws pass'd, that he shall pass them notwithstanding.

10. That the Succession be so regulated as upon the Death of every King, the Successor have his Authority confirmed by Parliament, without which, or the Consent of their Committee, he shall not take the Administration upon him.

11. That the Parliament, or their Committee, be consulted, and their Consent requir'd, when Orders are issued for paying the Army or Navy, and the like for the raising and disbanding of Troops, and the equipping, sending out, and laying up Men of War.

12. That nothing of any Fundamental Alteration in Church

Church or State, that is to say, as to the enlarging or diminishing of the Prerogative, or making Innovations in the Doctrine of the Church, be transacted in Parliament without Commissions from the Electors ; the Matter being freely argued before hand in a regular not tumultuary meeting of those Electors : and that then it be determin'd in Parliament by the Majority of such Commissions after free and full debate, and a final Consultation of the Electors if necessary.

13. That the Parliament, or their Committee accountable to them, have a joint power with the King to direct in all matters relating to Magazines, Forts, and Military Preparations by Sea and Land.

14. That the Parliament have their stated time of meeting annually, enacted by Law, without dependance upon Proclamations to call them together, except on extraordinary Occasions ; and that the Crown be declar'd forfeitable if any future Prince break in upon such fundamental Constitutions as shall be agreed on ; and that in such a Case the standing Committee have Power to call the Parliament together.

15. That none but Natives of the three Kingdoms or of the Dominions thereunto belonging, be capable of Offices of Power and Trust in the Government, without consent of Parliament.

Well says I, You must needs be convinc'd that I have had a world of Patience to hear your extravagant Notions of Government. Don't you think in your own Conscience that such Conditions as these would dissolve the Monarchy, and reduce it to a Commonwealth, and that your Nominal King would be no more than a Stadtholder of Holland or a Duke of Venice ? Do you think that any Prince who has a Title to our Succession by Blood, will ever submit to such Conditions ? or if he pretend to do so, that he'll keep

them? Will not he always expect to have the same Prerogatives that his Ancestors enjoy'd, and endeavour to recover them?

He replied, Sir, I have digested my Notions of Government too well, to be brought out of conceit with them by such a trifling Objection. Do you in your Conscience think that such Prerogatives as have been claim'd or usurp'd by any former Prince or Princes, are to be the rule of Government for all that succeed him? Had King *William* been of your mind, he had never granted us our Claim of Right; nor had those Princes who from time to time renew'd and confirm'd our *Magna Charta*, ever been so just to themselves and us, but would still have pleaded for the full Extent of Prerogative that any preceding Tyrants had usurp'd. I pity you and others of our young Men, who form to your selves Notions of Government from the Practices and Principles of the late Reigns: You had as good form a Notion of *Solomon's Temple* from the Ruins of it that the Priests will now pretend to shew you at *Jerusalem*. I might at once answer your Objection in a few words, and tell you, that *cujus est Instituere ejus est Abrogare*, that those who settled our Government upon the present footing, may alter it into what form, and subject it to what regulations they please, provided they be not inconsistent with the Ends of Government. But because you shall have no cause to upbraid me that I am for an Arbitrary Power in Parliaments, tho I be against it in Kings, I tell you once for all that the Divine Legislator having fix'd the End of Government to be for the *Welfare of the Govern'd Society, the Protection of the Good and the Punishment of the Bad*; and that they are continually to attend upon this very thing\*: it is not in the power of any Government, be it in one Person

\* Rom. 14. from the 1st to the 7th Verse.

or in many, to appoint any other end of Government. We are not to pay them Tribute that they may luxuriate in Wealth and Pleasures, but that they should attend the Executive Power or Administration: If they employ themselves otherwise, God will not own them for his Ministers, they must look out for another Master. The sacred Records teach us that by the first Constitution of Kingly Government, Rulers were to make the Law of God and not their own Will and Pleasure the Rule of their Administration. The People were not to make a Stranger their King, but one of their own Brethren. (It had been well for England had our Ancestors observ'd this instead of sending for the King of Scots) He was neither to multiply Horses, Wives, nor Riches; nor was he to have his heart lifted up above his Brethren. These were the Conditions which the King of Kings impos'd upon the first King of Divine appointment, here was no Power giv'n him to levy Troops or Mony at discretion, or to advance his Prerogative; he was not to carry it in a lordly and despotical manner over his Subjects, but to remember they were his Brethren. And we find that God himself approv'd the Revolt of the ten Tribes from Rehoboam, when he broke in upon their Constitution, rejected the Counsel of the Elders, and would govern by the Advice of young Courtiers and Favorites that were bred up with him, and of Tories that were for having him exalt the Prerogative to the detriment of the Peoples Liberty †. I leave it then to your consideration whether the Divine Lawgiver hath not both in the Old and New Testament put Kings under stricter limitations than those I have propos'd; and yet those Restrictions did not dissolve that form of Government, as you have thought fit to object:

\* Deut. 17. from the 15th Verse to the end of the Chapter.

† 1 Kings Cap. 12. throughout.

If you read the History of the Kings of *Israel* as recorded in the sacred Text, you will likewise find that while the Government continued regular and steady, the Successors to their Kings did not meddle with the Administration till they were confirm'd in their Authority by the Tribes, upon the renewing of the old Claim of Right, or making a new one. This is plain from the instance of *David*, tho' they knew that he was by God's express order anointed beforehand; His appointing of *Solomon* to be King in opposition to *Adonijah* who had usurp'd the Throne, does not enervate the force of this Argument; for we read at the same time that the People express'd their consent by Publick Rejoicings; and besides, he was appointed by God to succeed *David* and to build the Temple \*. My Friend continued thus: But if you object that the Jewish Constitution is no rule for us, I have answered you already, that the Apostle St. *Paul* hath confin'd the Power of Governments, of what species soever, within as narrow Limits; and besides, I can shew you from undeniable evidence, that our own Constitution till the Reign of the two *Charles*'s allow'd us most of these things that I have now propos'd as conditions to be requir'd of the next foreign Successor. If you look into the Lord Chancellor *Fortescue*'s Book de *Landibus Legum Angliae*; which was wrote on purpose to inform the Prince of *Wales* of the Nature of our English Constitution, he tells him that the Laws of this Realm restrain'd the King so as he could not tyrannize †; that every King is oblig'd by his Coronation Oath, when our Laws halt or are defective in any point, to set them to rights in Parliament, as often as equity so requir-eth ‡.

\* 1 Chron. 22. 9.

† Fol. 26. b.

‡ Chap. 53. fol. 129. a.

In King *Alfred's* time, there was a Law that the Parliament should meet at *London*, twice a Year or oftner if need were, \* which continued till the time of *Edward I.* In the 5 of *Edward 2d* it was enacted, that a Parliament should be held once or twice per *Ann.* The same was renew'd by the 36 of *Edward 3d*. It was demanded and allowed in *Richard 2d's* time; and thus it continued till the 16 of *Car. I.* as appears by *Scobels Collection* 16 *Car. I.* Cap. 1. That those Parliaments were chosen fresh and fresh is evident, since there be Writs extant for new Elections for Fourscore Years successively; and it appears likewise from King *Edward I.* Letter to the Pope, dated June 19. in the 3d Year of his Reign, wherein he makes mention of his *Easter* and *Michaelmas* Parliaments; and that the *Easter* Parliament being dissolv'd because of his Sicknes, he would call another against *Michaelmas* to consider of the Pope's demands. By this it's also plain, that the Method of Prorogations was not then known; and it may justly be questioned, whether it was not originally an Intrenchment upon the Property of the Subject and Freedom of Parliaments: The Liberty of the People of *England* was in those times so great, that *Knyghton* tells us, pag. 2682. there was an antient Statute, that in case the King wilfully absent himself, and will not come to Parliament, as having no care of vexing his People, nor regard to their great Expences, after 40 Days they were free to go home. Then as to the Influence of the Court on Elections, it was one of the Articles against King *Richard 2d*, and which he confessed thus, ' that altho by the Statutes and Custom of this Realm the People ought to be free to chuse and depute Knights for the Counties to be present in Parliament, to lay open their Grievances, and to prosecute for Remedies thereupon

\* *Mirror of Justice*, pag. 10, &c.

as they think fit, notwithstanding the said King, that in his  
 Parliaments he might obtain his Will, which was rash, often  
 directed his Mandats to his Sheriffs, that they should return  
 certain Pesons nominated by himself, which Knights he  
 could oblige to vote as he thought fit, as he very often did,  
 sometimes by Threats and Terror, and sometimes by Gifts, to  
 consent to those things which were prejudicial to the  
 Realm. By which 'tis evident, that our Brave Ancestors in  
 those times had a very clear Notion of their Birthright, and  
 that they were not to have Courtiers, or such as the King  
 could influence, imposed upon them as their Representa-  
 tives in Parliament; and that since our Government con-  
 sists of Three States, King, Lords and Commons, if we  
 had not a certain and frequent meeting of Parliaments,  
 we must be at a loss and uncertainty about two thirds of  
 our Government, which is inconsistent with the Nature of  
 it, and must needs occasion a lame Administration.

It appears also from Sir *Henry Spelman's Glossary*, and  
*King Edward the Confessor's Laws*, which all succeeding  
Kings have been sworn to, that we had a yearly Folkmote,  
which met upon the Calends of *May*, where they consul-  
ted of Peace and War, of the common Safety, and how  
to promote the publick Welfare: by which you may per-  
ceive that this Law for their meeting annually on the Ca-  
lends of *May*, did execute it self without the Necessity of  
Proclamations to call them, and that matters of Peace and  
War were proper Subjects for their Advice.

Then as to the *Negative Voice*, it appears by the Corona-  
tion Oath formerly taken by the Kings of *England*, and  
twice particularly by *Richard 2d*, that in those times they  
claimed no such Prerogative; for by the Oath they swore  
to observe and confirm or corroborate those Laws which  
the People or Folk chose. But, says he, I know that you  
Young men don't care for looking over antient Records,  
and

and our old Law Books and Histories, but suffer yourselves to be imposed upon by Clergymen and Universities: therefore I would advise you, since you love an easy way of being informed as to our Constitution, to read all that Mr. Samuel Johnson hath wrote, particularly his *Essay concerning Parliaments at a Certainty*, where you will find those things briefly related, and his Authoritys fairly quoted; and you ought also to read Mr. Tyrrel's *Bibliotheca Politica*, and Col. Sidney's admirable Discourses concerning Government.

I thanked him for his Advice, and own'd he had said very much to justify his Scheme of Government in relation to former times, but that we were upon a new footing since the Restoration of King Charles II. and that we must take the Idea of our present Constitution from that Period; and therefore I doubted whether we could at this time justify those Claims he had mentioned, and particularly to make the Crown forfeitable.

He answer'd, that I was mightily out; that the Liberties of the People were the Gift of God and Nature, could not be forfeited by Prescription, nor justly given away; so that at any time they might be redemanded when usurped upon, or meanly surrendred. This he conceiv'd to be plain from the Nature of Government, as defin'd both in the Old and New Testament, which he had already insisted upon: and it cannot be denied (continued he) that Nature prompted men to enter into Societies and Communities for mutual Defence and Protection against the Injuries of one another, which was the Origin of Government; and therefore whenever any Governours transgress those Limits appointed by God and Nature, they become tyrannical, and the People have a just Right to bring them back to their antient Boundarys; and if they will not contain themselves there, they forfeit all Title to Government:

vernment : For the Laws of God and Nature never endowed any Government, of what Species soever, with an absolute and unlimited Power, it must all be directed to the Good of the Society ; and whatever is not so, is absolutely inconsistent with Government. Besides, says he, the Advancement of the Prerogative to that height in the Reign of King *Charles II.* was by Treachery in our Representatives, who not only acted therein contrary to the Nature of Government, as has been already said, but without the consent of those whom they represented, which our Ancestors had always a very great regard to. And it appears by Sir *Henry Spelman's Glossary*, that we had formerly Provincial Folkmotes, Parliaments, Assemblies, or call them what you will, that in Cases of Danger and Necessity met under the Alderman or Earl of every County : and certainly there can never be a more pressing Necessity for those Assemblies, than when the Liberty of the People is in danger by Domestick Usurpation. So that tho' all Commissioners to Parliament have a full and unlimited Power to better the Constitution, and make Superstructures, yet it does not appear that they either can or ought to agree to any thing, which intrenches upon the Peoples Fundamental Liberty, such as is that of exalting the Prerogative to the damage of the Subject, without the Consent of those Folkmotes, and the Corporations that send them : and even tho' their Electors should agree to any such thing, it is actually void of it self, because (as has been said already) it is contrary to the Law of God and Nature, and therefore may be revoked at any time. He added, you know likewise that our History does not want Instances of our Kings being dethroned and opposed for Male-Administration. The Stories of *Edward II.* *Richard II.* and the Wars of the Barons from time to time, are sufficient Proofs of it. The Instance of the Throne's being declared

declared vacant upon the late King James's Male-Administration and withdrawing himself, is a fresh Instance of the People of *England*'s asserting their Original Right. And since our Neighbours of *Scotland* have in their Instrument of Government declar'd the same Prince to have forfeited his Throne, whom we declared to have abdicated it, there's no Reason but we shoud be upon an equal footing with them as to Liberty, which by comparing their Claim of Right with ours, it would seem we are not ; and therefore what is in their Claim, that is not in ours, ought to be part of our Stipulation with the next Foreign Successor.

The First is, that no Papist can be King or Queen of the Realm, nor bear any Office therein. It's true, we have an Act of Parliament since, excluding Papists from the Throne ; but the Claim of Right being a formal Stipulation between the King and the People, becomes the Basis of the Government, and cannot be altered so easily as an Act of Parliament. There's a Solemnity in such Transactions that makes them Sacred ; and we shall scarcely find a Parliament that will adventure to overturn such a fundamental Constitution with which they know the People to be universally satisfied ; whereas Laws and Acts of Parliament are variable of Course ; one Parliament repealing many times what another hath enacted.

A Second thing is, that no Protestant Successor can exercise the Regal Power, till they take the Coronation-Oath, which plainly makes their Stipulation with the People the sole Foundation of their Authority, and their Breach of it a just Cause of Forfeiture.

A Third thing they insisted upon, as one of the late King's Male-Administrations, was his changing the Nature of the Judges Patents *ad Vitam* or *Culpam*, into a Commission *de bene placito*, to dispose them to a Compliance with Arbitrary Courses.

A Fourth, and indeed the most considerable Difference of all the rest was, that they declared the late King to have forfeited his Right to the Crown by these and other Articles of his Male-Administration. There are several other things wherein their Claim of Right seems to be better than ours ; but these are material and weighty Things, wherein they have a visible advantage of us, which we have a Right to insist upon as well as they : and therefore those things ought to be part of our Stipulation with the next Foreign Successor.

And now that I am upon *Scotch Affairs*, give me leave to add, says he, that in my Opinion the Consent of that Kingdom were fit to be had, before we come to an absolute Determination about a Successor.

Here I interrupted him, and said, we are not to have any regard to that despisable Country, nor to alter or delay our Measures for a Nation whom *Oliver* subdued with 8000 Men ; we can force them to a Compliance when we please.

Upon this my Friend took me up very warmly, told me I was ignorant of things, *Oliver* and his Party had before that time subdued the King and Parliament of *England* ; his was not a National but a Party quarrel, and therefore nothing to the purpose. He had Friends in *Scotland* as well as in *England*, which divided the Nation among themselves ; otherwise a People to whom King *Charles I.* dared not to give Battel with 30000 Men, would have despised *Oliver* and his 8000, and indeed it was their Contempt of him that chiefly contributed to his Victory. If you look says he, into our Histories, you will find that whenever we attempted a Conquest of that Nation, it was when they were divided among themselves ; that we always came off with loss at last, however successful we were at first, and that they distressed us more than ever any other Enemy did.

did. Our successive Conquerors the *Romans*, *Saxons*, *Danes*, and *Normans* were oblig'd to fix their *ne plus ultra* in some part or other of that Kingdom, but were never able to reduce it to obedience; the obstinacy of their Temper, and the natural strength and barrenness of their Country making them Invincible. But besides, says he, where's the policy or honesty of attempting that by force which may be done otherwise? let us treat them like Brethren and Neighbours, and they will join with us in every thing: *Oliver* did more with them by this method than by his Arms, he was sensible that our *Edwards* I, II, and III, lost their Design upon that People by their cruel and forcible Methods; nothing less would satisfie those Princes than the total subjection of that Kingdom and the destruction of their prime Nobility; which at last did so exasperate the Nation, that by hazard-ing all, rather than submit to such ignominious Terms, they recover'd all; whereas *Oliver* after having broke the King's Party there, treated the rest mildly, set that Nation upon the same foot almost with us; which pleas'd them so much, that had not we attempted a Change in the Govern-ment by restoring King *Charles*, they would never have troubled themselves about it.

I replied, You shall never convince me that we ought to delay the settlement of our own Succession upon their ac-count; what can they do against a Nation that has ten Men for their one, twenty Pound for their one, and can harass their Coasts with a Fleet, against which they have nothing to oppose? He answered, You talk as if Victory were always entail'd upon the greatest Numbers and richest Nations, as if you had the Winds and Seas at Command, and that it were not possible for your Fleets to suffer by them. What did our Numerous Armys, full Treasures, and great Fleets signify against them in the time of the three *Edwards*, above men-tioned? what probability was there that they should have

humbled *Charles I*? What strength had the *Dutch* to oppose to that of *Spain*, when they first revolted? do you think that Heav'n has no regard to what's done upon Earth, that it never makes oppressed Justice successful against oppressive Injustice? Have not they as good a Right to chuse their Prince, and appoint their Terms as we? did not we quarrel with them upon that very head in *Oliver's* time, because they would impose a King upon us without our own Consent? and did not Heav'n favour our Cause? Is Justice grown partial since that time, and can we reckon that lawful in our selves which we accounted unlawful in them? Let's follow the Golden Rule of doing to others what we would have them do to us. Whatever you youngsters may do, Men of experience and maturity will consider things as they are; and I must tell you my opinion freely, that you may contemn the *Scots* as you please, but I think it will not be prudent for *England* to come to a final Conclusion either as to the Terms or the Person without the Concurrence of *Scotland*. You may see by the proceedings of their Parliament about the affairs of *Darien*, that their resentments are come to a great height: When they make such vigorous Resolves against the proceedings of our Parliament, and some of our Ministers of State, it's a token the ferment is great; and tho' their respect to his present Majesty keeps them within bounds at present, we cannot be sure that it will be always so. If we chuse a Successor without them, it's not impossible that they will chuse themselves another without any regard to us; and what the Consequences of that may be, let any man judg. Suppose that we shall without them chuse the Elector of *Hanover*, and that they chuse either a Native of their own or any other Foreigner; it will infallibly issue in a War. It's true, that in all probability we shall be too strong for them; but then we may be sure that they know this, and will strengthen themselves

themselves by foreign Alliances. Our Union with the *Dutch* is only cemented by the Life of our present Sovereign. If we chuse the Elector of *Hanover*, or any of his Issue, without obliging them to renounce their *German* Dominions, it will occasion a jealousy in the *Dutch* and the Northern Princes, as has been said already : in that case they will be sure to join with *Scotland* to keep the Ballance equal. They can more easily supply them with Men and Ships than their old Allies of *France* could ever do, which makes our danger so much the greater. Or let's suppose the *Scots* to be so polick as to chuse no Prince at all for some time, but that they form themselves into a Parliamentary Government, and make some of their own Great Men Lords Justices according to the late mode in *England* and *Ireland* during the King's absence, and at the same time keep treating with the pretended Prince of *Wales* upon such Terms as may secure their Religion and Property : in such a case they may likewise have the assistance of *France*, and the *Dutch*, and Northern Princes for Guarantees of any Treaty that shall be concluded. Then if all these, or any of these should happen to be the Case, shall not we have cause to curse our own Folly in not having prevented those things when 'twas in our power to have done it ? Add to this, said he, the Condition of *Ireland*, their present dissatisfaction upon several accounts, and the formidable Colony of *Scots* in the North of that Kingdom, who in such a case as this will be sure to favour their own Country. Is it not more prudent for us to shut all these backdoors, than to leave any of them open ?

I replied, that those were things I did not think of, and they seem'd so remote, considering we have still two Lives in the Entail, that I doubted whether they deserv'd any regard.

He answer'd, You always talk as if you were sure of every thing, as if Life and Death, Seas and Winds, Victory and Success,

Success, were in your own power: but wise men will consider the uncertainty of all human Affairs, and by a cautious foresight provide against may-be's as well as against things which are unavoidable. Besides, says he, the hastening of the Cause may hasten the Effect. If we make so much haste as to settle the Succession without the *Scots*, it may hasten their Provisions against the dangers which they will probably apprehend from it, and perhaps occasion a rupture before the Entail be out; and therefore in my Opinion we shall be very unwise to put it to the hazard.

Well, says I, what do you propose then to avoid these melancholy Consequences, which your fancy suggests to you? He answered, that he did not pretend to dictate to any Man, especially to such young men as I who always abound in our own sense; but he thought the method easie and at hand, which was to desire that the present Parliament of *Scotland* might be call'd, or rather a new one chosen, that his Majesty may have the *more immediate sense of that Nation* as well as of ours; to go along with us step by step, both as to the Terms and the Person; and then we needed not doubt of a happy Issue. To that End 'twere necessary a stricter and an indissolvable Union should, if possible, be form'd betwixt the two Nations; that in treating of this the interest of different Parties, and of Merchants should be laid aside, if it could not be made to appear that they overballanc'd the advantage of such an Union, and were likewise inconsistent with it; for 'twas such narrowness of Soul and Principles as that, together with the arbitrary design of former Courts, that always obstructed the Union. For my part ( continues he ) I can see no more reason why the difference in the Constitution of their Church, and Administration of Justice, should prevent the Union of the Nations, than the difference in those respects betwixt the 7 Saxon Kingdoms obstructed the Union of the whole under the

Name

Name and Government of *England*, or that the different way of administering Justice in *Wales* for many years after their submitting to *England*, hinder'd our uniting with 'em There are many Corporations and Mannors in *England* that have their peculiar Customs different from those of the Nation in general, yet no ways prejudicial to the common Union. It's the like as to the Seven United Provinces ; they are so many distinct Sovereigntys ; yet this does not hinder their Union, nor make any difference as to Privilege among their respective Subjects. So that *England* and *Scotland* might easily be united in general for Offence, Defence, and communication of Privileges, without intrenching on one anothers Sovereignty as to what relates to their particular Constitutions ; these also in time would come to cement, as have those of *England* and *Wales*. This would make *Great Britain* easy at home, and formidable abroad. The Parliaments of both Kingdoms, like the Provincial States of *Holland*, might continue as they are for the security of their respective Liberties ; and a proportionable number of both might under the direction of the King regulate all matters concerning the Union, as the States General do, but always with a *salvo Jure* to the Parliaments of both Nations, whose advice they should take, and to whom they should be accountable. In order to this, it were requisite that the Names of *English*, *Scots*, and *Irish* should be disus'd, and that the distinction should be *South*, *North*, and *West Britains* ; that as we are all of one Original, and under one Government, we should carry one denomination. It were also necessary that those foolish distinctions kept up by Badges and Days, should be abolished, so that by degrees our differences might be forgotten.

As to *Ireland* in particular (says he) it's unreasonable that our own Offspring who conquer'd that Country, or our Children and Brethren who from time to time transplant

plant themselves thither, should be look'd upon to be in the same condition with the native *Irish* whom they conquer'd, and lose the Birthright of *Englishmen*: Therefore a Temperament ought to be found out, to remove those Causes of disgust which that Nation complains of, and to prevent the like for the future. The better conditions we allow our Neighbours, the more we assure our selves of their Friendship; and as the Case now stands, we have more need of securing our old Friends, than to make them our new Enemies. It's an unnatural and impolitick defect our Administration hath hitherto laboured under, that instead of joining these three Nations in one common Interest, their Differences seem daily to increase: May Heaven ward off the Omen, and that whilst we are contending among our selves we don't become a Prey to the common Enemy.

I answered my Friend, That his Invention was fruitful, we would leave our Neighbours and come home again; what Prince did he think would take our Crown with such Limitations? or what Man upon Earth, that had a competent Estate, would not rather chuse to live at ease, than to be a King with such a Burden on his Shoulders?

I perceive, says he, that you still retain your false Notion of Government: You think 'tis nothing else but to live in Riches and Pleasure, and have all things at command; but you are quite mistaken, for Government is in reality a pressing and weighty Burden, which is the thing in the World that it seems you are most afraid of, and think to be most inconsistent with Sovereignty. But wise men never thought so, the best of Princes have own'd it, and found they were not able alone to support it. Thus *Moses*, a Prince of extraordinary natural Endowments, besides what he had of supernatural Assistance, found it too heavy for his Shoulders, and therefore chose able men

from

from among the People, men of Truth, such as feared God and hated Covetousness, to assist him in it. But you fancy an absolute and almost uncontrollable Power is best for the Prince, and that he is injur'd if he be abridg'd in what the foolish World have thought fit to call Prerogative: whereas you have heard that by Divine appointment the Prerogative is nothing else but a Power to do good and prevent evil, to encourage good men and punish wicked men, to attend constantly on the Administration, and to have a Revenue from the Publick to support them in so doing. This is all the Prerogative that Heaven hath allowed to Kings or any other Governours. What's more than this derives its Origin from some other place. That Power which men of your Principles allow to Kings, puts them in the most dangerous condition that can be, and sets them upon a Precipice, from whence they must unavoidably break their necks. This Ambition of Princes of old made *Juvenal* say,

—*Sine Cæde & Sanguine pauci  
Descendunt Reges, & sicca morte Tyranni.*

Plato and Aristotle, who had nothing but human Reason to direct them, had a much better Idea of the nature of Government than you Court-bred Christians. They could tell us that there was no surer Characteristic to distinguish a King from a Tyrant, than that the former sought the common Good, and the latter his own Pleasure and Profit. And as to the burden of Government, Cornelius Tacitus, an able Statesman and Historian, owns it, when he says, *Nescit quam grave & intolerandum sit cuncta regendi omus.*

Even in Limited Governments, such as you have heard that of *Israel* to have been, you find that the best and wisest of Kings, *David* and *Solomon*, could not exercise their Power with Moderation, but were guilty of several Acts of gross Tyranny; therefore you have no reason to think it hard that wise Nations should put it out of the

power of their Kings to turn Tyrants. I have told you already that the Lord Chancellor *Fortescue* own'd that there was such Wisdom in the Conduct of our Ancestors; and if we don't improve the opportunity of putting the next foreign Successor under such Limitations as may secure our Constitution, we shall make our selves unworthy to bear the Name of their Posterity.

For your Question, What Prince will accept our Crown upon such conditions? the Kingdom of *England* may reasonably give the same answer that rich Fortunes give their stingy Sweet-hearts, that if they will not make them such a Settlement in consideration of their Portion, they may let them alone. The greatest Tory among you, when he has a Daughter to dispose of, will take care to have a Dowry answerable to her Fortune, or *Sir James* and *Sir John* shall go without her. Could we but prevail with these Prerogative Sparks to be as just to their Country as to their own Families, we should not be troubled with these Objections. If the Prince upon whom we devolve our Crown, does not think it worth his while to grant us such Security, that none of its Jewels (I mean the Privileges of the People) shall be imbezled, I am of the opinion that it will not be worth while to court such a Governor. *Breda* Declarations in view of a Crown are like fair Promises made to a rich Lady by an extravagant Gallant, which are quickly forgot when once he's in possession; and therefore since it's in the nature of all men, but more especially of Princes, to promise more than ever they perform, or may be ever design'd, we cannot be blam'd to insist upon Conditions enough, that we may be the better able to dispense with the Breach of some of 'em, which we may very well lay our Account with, except the *German* Line prove better than the *Scots* Line.

The Elector of *Saxony* (continued my Friend) is a much greater Prince than the Duke of *Hanover*, and yet you

you see he was ambitious of wearing the Crown of a Commonwealth clogg'd with heavier Conditions than any that I have propos'd, tho that Crown cannot descend to his Posterity. Then certainly the Crown of *England*, which is infinitely more valuable in it self than that of *Poland*, besides its being hereditary by our Constitution, deserves at least as good Conditions as the Crown of *Poland*; tho I believe all good *Englishmen* will be satisfied with less. But because I am weary of talking, I will tell you my opinion of the whole in a word. That whatever the Parliament does in the matter, it becomes you and I and all loyal Subjects to acquiesce in; the better Terms they make, the better it will be for them and us too; and come which way it will, we shall have neighbour fare. We may talk without doors, but they must determine within doors; yet I hope care will be taken, if a Successor be nam'd, to prevent people's going officiously to court the Rising Sun; That can have no other effect but to create jealousies in those that are in possession; and perhaps if there be no restraints laid in the way, some Parasites may make their court to the next foreign Successor, by teaching them how to overturn our Constitution, as some are charged to have taught King James I. the smart of which we feel to this very day.

I replied, that Years I perceived bred Caution as well as Covetousness; and I should be glad to hear from such a cautious man as himself, what he thought might be the issue, if we should neither agree upon Conditions nor Person. He answer'd, You cannot be very apprehensive of any sudden Issue either good or bad, since you just now told me that my Speculations were remote, because we have still two Lives in the Entail. The best thing we can do is to pray and take care that those Lives may be long continued, to take such Methods at present as may secure our Liberties for the future, and to trust God with the Event.

Ay but (said I) what if they should both die before a Successor

Successor be pitched on, will not that expose us to the Attacks of the *French*, in support of the pretended Prince of *Wales's* Title? He answered, the best way to prevent that is to join with the Emperor and other Princes of *Europe* to bring *France* to such a Condition as she shall not be able to effect it; for if you let that Opportunity slip, perhaps all the Precautions you can take will not be able to keep out his pretended Highness, but that you must submit to him by Force or Fraud. This is very like to be the Case if *Lewis XIV.* don't think fit, as he has made one of his Grandsons K. of *Spain*, to make another of them K. of Great *Britain*; and be which of 'em it will, it's all one, they must be equally pernicious to our Liberty and Religion. Therefore I think, since as you say we have two Lives in the Entail against a Foreign Successor, and not two Months time in Entail against a *French Invasion*; you Youngsters should be for preferring the present Security of the Nation to the Settlement of the Crown; but if you can carry them on both together, without letting the one interrupt the other, or doing that first which should be last, I have nothing to say against it. As for your mighty Fear of the want of a Successor, I don't think the Danger so very imminent: The two Persons in the Entail are neither of 'em so old but they may still have Issue; or if they should not, there's no fear that Three Crowns will go long a begging, there will be enough to take them and thank ye too. That which you dread as a mighty Plague, the *Dutch* and *Swissers* were forced to fight for as their chief Happiness, against the most Potent Monarchies in *Europe*. If you ask them the Danger of having no Heir to the Crown, they will tell you, would to God the Case had been theirs, they would never have spent so much Blood and Treasure to fight themselves into Commonwealths, under which sort of Government they are more happy and flourishing than ever they were before. Not says he, that I am

am for exchanging the *English Constitution* with any other in Europe ; but this I mention to shew you that what you Tories and your Adherents fear as a Curse, other Nations think not only supportable but eligible : so that the worst that can happen to us, if our Succession be not settled before the present Entail determine, is, that we shall be at Liberty to chuse whom we please, and on what Conditions we think fit ; the Nations may then freely join in Consultation for their present Safety and future Security, and take such Methods as they shall find proper to unite 'em. They will not then be so liable to the Intrigues of crafty Courtiers, who persuaded our Princes in former Reigns to keep us separate, that they might on all Occasions make use of the one to frighten the other into a Compliance with their Measures.

Thus the Scots bullied us with their Act for 22000 Men, with Six Weeks Pay and Provision, to march into any Part of his Majesty's Dominions ; and thus we hectored them again by sending down Forces to quell their Rebels, and to bring their Conventions and Parliaments to a Conformity. So that like Fools we have suffered our Monarchs to play at Loggerhead with us for almost 100 Years, whilst Foreigners laugh at us, and say, it's for want of Brains ; for had it been otherwise, we should have been sensible of it before now, and consequently have taken care to prevent it : and this (said he) amongst other things is one of the great Blessings we have enjoyed by a Foreign Successor, without coming to previous Terms of Agreement. He added, that he did not see what more Danger could accrue to us for want of a Successor than is like to accrue to the *Dutch* for want of a Stadholder. Their Danger is greater than ours, because they are nearer the Enemy, and have but one Person in the Entail ; and since they are unwilling to eclipse his Majesty's Glory by appointing another Sun till his be set, I see no Reason but we should have the same deference for his Majesty and the Princess. Successors are too often impatient, and make bold with the Lives of those that stand in their way ; and some of our late Princes have been foully belied, if they were not too busy in that matter.

I replied, But when the Nations are left without a Head, they are not in a condition to resist unjust Pretenders, such as the Prince of *Wales* and others. He answer'd, That so long as we have Parliaments we can never want a Head ; that care may be taken, if we cannot agree about the Succession, to have a Parliament meet immediately upon the determi-

determination of the present Entail, that none presume to declare any Successor before the meeting of that Parliament on pain of High Treason ; that the Administration during the Interval be in the Name of the Kingdom ; and whenever the Parliament meets we have no reason to doubt of having our Government taken care of. It's well enough known what English Parliaments are capable of doing against foreign Invaders or domestick Oppressors ; so that I think our Fears on that head need not disturb our quiet.

I know no reason why King William and the Princess should be fond of seeing their Coffins, no more than Queen Elizabeth was of seeing hers, as she signified to *Mary Queen of Scots*, when she pressed to be declared her Successor. We had as wise Counsellors in that Reign as any we have had since, and therefore have no reason to be ashame'd of the Precedent. But to shut up all, I say now as I said before, that the King and Parliament's Determination must conclude you and me and every man else ; and I assure you for my part I shall heartily submit to it, and pray that Heaven may preside in their Councils.

If they be of the mind that the Settlement of the Succession is necessary to obviate the Designs of those who by fraudulent Contrivances would bring us to accept of the pretended Prince of Wales, he does not deserve the Name of a Protestant, that will not venture his Life and Estate to stand by them in so good a Cause : But this does not hinder that we should take all needful Precautions for the safety of the King and Princess, that we should make very good terms with the Person we chuse ; that we should desire the concurrence of our Neighbours, who are equally concern'd, and that we should make a narrow enquiry into the Religion of our future King ; for Religion is now become so cheap it seems even amongst Protestant Princes, that the first Protestant Elector hath barter'd his for a Crown of Thorns, and not made half so good a bargain for his Conscience as Esau made for his Birthright. We have the more reason to be suspicious and inquisitive in this matter, that we were for many years imposed upon by our two last Princes, and look'd upon both of 'em to be very good Protestants, whilst they were sapping the foundation of our Religion and Liberties. May the great God of Heaven and Earth deliver us from any more such Mistakes.

This is the substance of the Conversation that I had with our Friend, which I leave you to make what use of you think fit. I am,

SIR,

March 3d  
1707.

Your Humble Servant.

1707

F I N I S.







